UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, Plaintiff, v. JARED GALANIS, Defendant.	Case No.: 15 Cr. 643 (PKC) **DEFENDANT JARED GALANIS'S AMENDED PROPOSED JURY INSTRUCTIONS AND OBJECTIONS TO THE GOVERNMENT'S PROPOSED JURY INSTRUCTIONS**

DEFENDANT'S AMENDED PROPOSED JURY INSTRUCTIONS AND OBJECTIONS

Defendant Jared Galanis submitted objections to several of the Government's modified version of Modern Federal Jury Instruction requests to charge and alternatively proposed standard instructions for each request at issue (Dkt. #202). Those objections and submissions still stand. In addition, Defendant Jared Galanis submits the following additional proposed instruction regarding an alibi defense. Defendant Jared Galanis amends his submission and proposes this defense after finally getting a chance to thoroughly review the evidence and information provided by both the government's discovery, as well as the Rule 17 Subpoena requested on Defendant Jared Galanis's behalf. The evidence and information reviewed establishes that Jared Galanis has an alibi defense available to him because he did not make the phone calls or send the emails that are reflected as evidence against him in the indictment (Dkt. #2). Therefore, Pursuant to Rule 30 of the Federal Rules of Criminal Procedure, Defendant respectfully requests the Court to include the following Modern Federal Jury Instruction (Sand, *et al.*) in its charge to the jury.

Alibi Defense

You have heard evidence that the defendant was not present at the time and the place where the crime is alleged to have been committed. It is the government's burden to prove beyond a reasonable doubt each and every element of the offense, as I have defined those elements, including that the defendant was present at the time and place that the offense is alleged to have occurred.

If, after you consider all of the evidence in this case, you have a reasonable doubt about whether the defendant was present at the time and the place where the crime allegedly occurred, then you must acquit him.

Sand, et al., Modern Federal Jury Instructions-Criminal (8.02)

Dated: August 2, 2016

MURPHY, PEARSON, BRADLEY & FEENEY

By /s/ James A. Lassart
James A. Lassart
Attorneys for Defendant
JARED GALANIS

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